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| <b>TO:</b><br><b>Mail Stop 8</b><br><b>Director of the U.S. Patent and Trademark Office</b><br><b>P.O. Box 1450</b><br><b>Alexandria, VA 22313-1450</b> | <b>REPORT ON THE</b><br><b>FILING OR DETERMINATION OF AN</b><br><b>ACTION REGARDING A PATENT OR</b><br><b>TRADEMARK</b> |
|---|---|

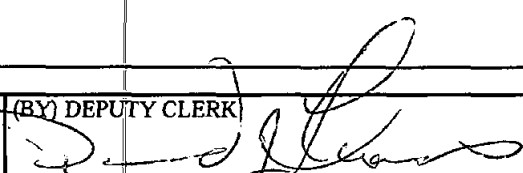
In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following ☒ Patents or ☐ Trademarks:

|                                |                             |  |
|--------------------------------|-----------------------------|--|
| DOCKET NO.<br>09 cv 3987 (PGG) | DATE FILED<br>4/22/2009     | U.S. DISTRICT COURT<br>Southern District of New York |
| PLAINTIFF<br><br>Sepracor Inc. |                             | DEFENDANT<br><br>Alphapharm Pty. Ltd, et al.         |
| PATENT OR TRADEMARK NO.        | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK                        |
| 1 See Attached List            |                             | See Attached   |
| 2 6,864,257 <sup>32</sup>      |                             |  |
| 3 6,319,926 <sup>31</sup>      |                             |  |
| 4 6,444,673 <sup>32</sup>      |                             |  |
| 5 7,381,724 <sup>32</sup>      |                             |  |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

|                         |                             |  |
|-------------------------|-----------------------------|--|
| DATE INCLUDED           | INCLUDED BY                 | <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK  |
| 1                       |                             |  |
| 2                       |                             |  |
| 3                       |                             |  |
| 4                       |                             |  |
| 5                       |                             |  |

In the above—entitled case, the following decision has been rendered or judgement issued:

|   |   |
|---|---|
| <b>DECISION/JUDGEMENT</b><br><br>Attached: Copy of Notice of Voluntary Dismissal. |   |
| CLERK<br>J. Michael McMahon   | (BY) DEPUTY CLERK<br> |
|   | DATE<br>7/28/2009   |

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy